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ATTORNEY DOCKET NO. 43890-401  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kaoru SATO et al.

Serial No.: 09/493,677

Filed: January 28, 2000

For: HEAT SINK, METHOD OF MANUFACTURING THE  
SAME AND COOLING APPARATUS USING THE SAME)



)  
) Group Art Unit: 3743  
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)  
) Examiner: L. LEO  
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RESPONSE TO RESTRICTION  
REQUIREMENT UNDER 35 U.S.C. § 121

Hon. Assistant Commissioner for Patents  
Washington, D.C. 20231

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Sir:

In response to the restriction requirement set forth in the Office Action mailed October 17, 2000, having a shortened statutory period for response set to expire November 17, 2000, wherein the Examiner required restriction between Group I - claims 1-9 and 15-21, drawn to a heat sink and Group II, claims 10-14, drawn to a method of manufacturing a heat sink, Applicants elect without traverse, Group I - claims 1-9 and 15-21 for initial prosecution on the merits. Please cancel claims 10-14 without prejudice.

In response to the Examiner's subsequent requirement requesting that the Applicants select one of the specified shapes of the cross-section of the column of the heat sink as recited in claims 3 and 18, Applicants select "a shape whose sectional width tapers as it goes away at a right angle from said heat receiving face", with

traverse. In particular, as claims 3 and 18 are dependent on claims 2 and 15, respectively, it is submitted that if the underlying independent base claims are deemed allowable, then claims 3 and 18 should be allowable as initially presented in the application. Further, Applicants identify each of the embodiments illustrated in Figs. 2(b)-2(e) as reading on the selected limitation.

Applicants also reserve the right to file a Divisional Application for the non-elected claims 10-14, which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Dated: 11/12/00

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